



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY CLASS II PERMIT

PERMITTEE: BHP Copper Inc.

FACILITY: Miami Unit

PERMIT #: 63722

DATE ISSUED: tbd

EXPIRY DATE: tbd

SUMMARY

This Class II operating permit is issued to BHP Copper Inc., the Permittee, for the continued operation of the solvent extraction/electrowinning facility in Miami, Gila County. This permit renews and supersedes Permit No. 53139.

The facility's potential to emit (PTE), without controls or operating limitations, of air pollutants is less than major source thresholds, thus a Class II Permit is required.

This permit is issued in accordance with Arizona Revised Statutes (ARS) 49-426. It contains requirements from Title 18, Chapter 2 of the A.A.C. and Title 40 of the Code of Federal Regulations. All definitions, terms, and conditions used in this permit conform to those in the Arizona Administrative Code R18-2-101 et. seq. (A.A.C.) and Title 40 of the Code of Federal Regulations (CFR), except as otherwise defined in this permit.

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ATTACHMENT "A": GENERAL PROVISIONS

Air Quality Control Permit No. 63722 For *BHP Copper Inc.- Miami Unit*

I. PERMIT EXPIRATION AND RENEWAL

[ARS § 49-426.F, A.A.C. R18-2-304.C.2, and -306.A.1]

- A. This permit is valid for a period of five years from the date of issuance.
- B. The Permittee shall submit an application for renewal of this permit at least 6 months, but not more than 18 months, prior to the date of permit expiration.

II. COMPLIANCE WITH PERMIT CONDITIONS

[A.A.C. R18-2-306.A.8.a and b]

- A. The Permittee shall comply with all conditions of this permit including all applicable requirements of the Arizona Revised Statutes (A.R.S.) Title 49, Chapter 3, and the and air quality rules under Title 18, Chapter 2 of the Arizona Administrative Code. Any noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. In addition, noncompliance with any federally enforceable requirement constitutes a violation of the Clean Air Act.
- B. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

III. PERMIT REVISION, REOPENING, REVOCATION AND REISSUANCE, OR TERMINATION FOR CAUSE

[A.A.C. R18-2-306.A.8.c, -321.A.1, and -321.A.2]

- A. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation and reissuance, termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- B. The permit shall be reopened and revised under any of the following circumstances
 1. The Director or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 2. The Director or the Administrator determines that the permit needs to be revised or revoked to assure compliance with the applicable requirements.
- C. Proceedings to reopen and reissue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopenings shall be made as expeditiously as practicable. Permit reopenings shall not result in a resetting of the five-year permit term.

IV. POSTING OF PERMIT

[A.A.C. R18-2-315]

- A.** The Permittee shall post this permit or a certificate of permit issuance where the facility is located in such a manner as to be clearly visible and accessible. All equipment covered by this permit shall be clearly marked with one of the following:
1. Current permit number; or
 2. Serial number or other equipment ID number that is also listed in the permit to identify that piece of equipment.
- B.** A copy of the complete permit shall be kept on site.

V. FEE PAYMENT

[A.A.C. R18-2-306.A.9 and -326]

The Permittee shall pay fees to the Director pursuant to ARS § 49-426(E) and A.A.C. R18-2-326.

VI. ANNUAL EMISSION INVENTORY QUESTIONNAIRE

[A.A.C. R18-2-327.A and B]

- A.** The Permittee shall complete and submit to the Director an annual emissions inventory questionnaire. The questionnaire is due by March 31st or ninety days after the Director makes the inventory form available each year, whichever occurs later, and shall include emission information for the previous calendar year.
- B.** The questionnaire shall be on a form provided by the Director and shall include the information required by A.A.C. R18-2-327.

VII. COMPLIANCE CERTIFICATION

[A.A.C. R18-2-309.2.a, -309.2.c-d, and -309.5.d]

- A.** The Permittee shall submit a compliance certification to the Director annually which describes the compliance status of the source with respect to each permit condition. The certification shall be submitted no later than November 15th, and shall report the compliance status of the source during the period between October 1st of the previous year and September 30th of the current year.
- B.** The compliance certifications shall include the following:
1. Identification of each term or condition of the permit that is the basis of the certification;
 2. The Identification of the methods or other means used by the Permittee for determining the compliance status with each term and condition during the certification period;
 3. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in Condition VII.B.2 above. The certifications shall identify each deviation and take it into account for consideration in the compliance certification;

4. All instances of deviations from permit requirements reported pursuant to Condition XII.B of this Attachment; and
 5. Other facts the Director may require determining the compliance status of the source.
- C. A progress report on all outstanding compliance schedules shall be submitted every six months beginning with six months after permit issuance.

VIII. CERTIFICATION OF TRUTH, ACCURACY AND COMPLETENESS

[A.A.C. R18-2-304.H]

Any document required to be submitted by this permit, including reports, shall contain a certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

IX. INSPECTION AND ENTRY

[A.A.C. R18-2-309.4]

Upon presentation of proper credentials, the Permittee shall allow the Director or the authorized representative of the Director to:

- A. Enter upon the Permittee's premises where a source is located, emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;
- B. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
- C. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- D. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
- E. Record any inspection by use of written, electronic, magnetic and photographic media.

X. PERMIT REVISION PURSUANT TO FEDERAL HAZARDOUS AIR POLLUTANT STANDARD

[A.A.C. R18-2-304.C]

If this source becomes subject to a standard promulgated by the Administrator pursuant to Section 112(d) of the Act, then the Permittee shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

XI. ACCIDENTAL RELEASE PROGRAM

[40 CFR Part 68]

If this source becomes subject to the provisions of 40 CFR Part 68, then the Permittee shall comply with these provisions according to the time line specified in 40 CFR Part 68.

XII. EXCESS EMISSIONS, PERMIT DEVIATIONS, AND EMERGENCY REPORTING

A. Excess Emissions Reporting

[A.A.C. R18-2-310.01.A and -310.01.B]

1. Excess emissions shall be reported as follows:

a. The Permittee shall report to the Director any emissions in excess of the limits established by this permit. Such report shall be in two parts as specified below:

- (1) Notification by telephone or facsimile within 24 hours of the time when the Permittee first learned of the occurrence of excess emissions including all available information from Condition XII.A.1.b below.
- (2) Detailed written notification by submission of an excess emissions report within 72 hours of the notification pursuant to Condition XII.A.1.a.(1) above.

b. The report shall contain the following information:

- (1) Identity of each stack or other emission point where the excess emissions occurred;
- (2) Magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
- (3) Date, time and duration, or expected duration, of the excess emissions;
- (4) Identity of the equipment from which the excess emissions emanated;
- (5) Nature and cause of such emissions;
- (6) If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions; and
- (7) Steps taken to limit the excess emissions. If the excess emissions resulted from start-up or malfunction, the report shall contain a list of the steps taken to comply with the permit procedures.

2. In the case of continuous or recurring excess emissions, the notification requirements of this section shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in such notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period, or changes in the nature of the emissions as originally reported, shall require additional notification pursuant to Condition XII.A.1 above.

[A.A.C. R18-2-310.01.C]

B. Permit Deviations Reporting

[A.A.C. R18-2-306.A.5.b]

The Permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Prompt reporting shall mean that the report was submitted to the Director by certified mail, facsimile, or hand delivery within two working days of the time when emission limitations were exceeded due to an emergency or within two working days of the time when the owner or operator first learned of the occurrence of a deviation from a permit requirement.

C. Emergency Provision

[A.A.C. R18-2-306.E]

1. An “emergency” means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, that require immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if Condition XII.C.3 is met.
3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
 - b. The permitted facility was being properly operated at the time;
 - c. During the period of the emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The Permittee submitted notice of the emergency to the Director by certified mail, facsimile, or hand delivery within two working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.
4. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

D. Compliance Schedule

[ARS § 49-426.I.5]

For any excess emission or permit deviation that cannot be corrected within 72 hours, the Permittee is required to submit a compliance schedule to the Director within 21 days of such occurrence. The compliance schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with the permit terms or conditions that have been violated.

E. Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown
[A.A.C. R18-2-310]

1. Applicability

This rule establishes affirmative defenses for certain emissions in excess of an emission standard or limitation and applies to all emission standards or limitations except for standards or limitations:

- a. Promulgated pursuant to Sections 111 or 112 of the Act;
- b. Promulgated pursuant to Titles IV or VI of the Clean Air Act;
- c. Contained in any Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permit issued by the U.S. EPA;
- d. Contained in A.A.C. R18-2-715.F; or
- e. Included in a permit to meet the requirements of A.A.C. R18-2-406.A.5.

2. Affirmative Defense for Malfunctions

Emissions in excess of an applicable emission limitation due to malfunction shall constitute a violation. When emissions in excess of an applicable emission limitation are due to a malfunction, the Permittee has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the Permittee has complied with the reporting requirements of A.A.C. R18-2-310.01 and has demonstrated all of the following:

- a. The excess emissions resulted from a sudden and unavoidable breakdown of process equipment or air pollution control equipment beyond the reasonable control of the Permittee;
- b. The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
- c. If repairs were required, the repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded. Off-shift labor and overtime were utilized where practicable to ensure that the repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, the Permittee satisfactorily demonstrated that the measures were impracticable;
- d. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during

periods of such emissions;

- e. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
- f. The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- g. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Title 18, Chapter 2, Article 2 of the Arizona Administrative Code that could be attributed to the emitting source;
- h. The excess emissions did not stem from any activity or event that could have been foreseen and avoided, or planned, and could not have been avoided by better operations and maintenance practices;
- i. All emissions monitoring systems were kept in operation if at all practicable; and
- j. The Permittee's actions in response to the excess emissions were documented by contemporaneous records

3. Affirmative Defense for Startup and Shutdown

- a. Except as provided in Condition XII.E.3.b below, and unless otherwise provided for in the applicable requirement, emissions in excess of an applicable emission limitation due to startup and shutdown shall constitute a violation. When emissions in excess of an applicable emission limitation are due to startup and shutdown, the Permittee has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the Permittee has complied with the reporting requirements of A.A.C. R18-2-310.01 and has demonstrated all of the following:
 - (1) The excess emissions could not have been prevented through careful and prudent planning and design;
 - (2) If the excess emissions were the result of a bypass of control equipment, the bypass was unavoidable to prevent loss of life, personal injury, or severe damage to air pollution control equipment, production equipment, or other property;
 - (3) The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
 - (4) The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
 - (5) All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;

- (6) During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Title 18, Chapter 2, Article 2 of the Arizona Administrative Code that could be attributed to the emitting source;
 - (7) All emissions monitoring systems were kept in operation if at all practicable; and
 - (8) Contemporaneous records documented the Permittee's actions in response to the excess emissions.
- b. If excess emissions occur due to a malfunction during routine startup and shutdown, then those instances shall be treated as other malfunctions subject to Condition XII.E.2 above.
4. Affirmative Defense for Malfunctions During Scheduled Maintenance
- If excess emissions occur due to a malfunction during scheduled maintenance, then those instances will be treated as other malfunctions subject to Condition XII.E.2 above.
5. Demonstration of Reasonable and Practicable Measures
- For an affirmative defense under Condition XII.E.2 or XII.E.3 above, the Permittee shall demonstrate, through submission of the data and information required by Condition XII.E and A.A.C. R18-2-310.01, that all reasonable and practicable measures within the Permittee's control were implemented to prevent the occurrence of the excess emissions.

XIII. RECORD KEEPING REQUIREMENTS

[A.A.C. R18-2-306.A.4]

- A.** The Permittee shall keep records of all required monitoring information including, but not limited to, the following:
- 1. The date, place as defined in the permit, and time of sampling or measurements;
 - 2. The date(s) analyses were performed;
 - 3. The name of the company or entity that performed the analyses;
 - 4. A description of the analytical techniques or methods used;
 - 5. The results of such analyses; and
 - 6. The operating conditions as existing at the time of sampling or measurement.
- B.** The Permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings or other data recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

- C. All required records shall be maintained either in an unchangeable electronic format or in a handwritten logbook utilizing indelible ink.

XIV. REPORTING REQUIREMENTS

[A.A.C. R18-2-306.A.5.a]

The Permittee shall submit the following reports:

- A. Compliance certifications in accordance with Section VII of Attachment “A”.
- B. Excess emission; permit deviation, and emergency reports in accordance with Section XII of Attachment “A”.
- C. Other reports required by any condition of Attachment “B”.

XV. DUTY TO PROVIDE INFORMATION

[A.A.C. R18-2-304.G and -306.A.8.e]

- A. The Permittee shall furnish to the Director, within a reasonable time, any information that the Director may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the Director copies of records required to be kept by the permit. For information claimed to be confidential, the Permittee shall furnish an additional copy of such records directly to the Administrator along with a claim of confidentiality.
- B. If the Permittee has failed to submit any relevant facts or has submitted incorrect information in the permit application, the Permittee shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

XVI. PERMIT AMENDMENT OR REVISION

[A.A.C. R18-2-317.01, -318, -319, and -320]

The Permittee shall apply for a permit amendment or revision for changes to the facility which does not qualify for a facility change without revision under Section XVII, as follows:

- A. Facility Changes that Require a Permit Revision - Class II (A.A.C. R18-2-317.01);
- B. Administrative Permit Amendment (A.A.C. R18-2-318);
- C. Minor Permit Revision (A.A.C. R18-2-319); and
- D. Significant Permit Revision (A.A.C. R18-2-320).

The applicability and requirements for such action are defined in the above referenced regulations.

XVII. FACILITY CHANGE WITHOUT A PERMIT REVISION

[A.A.C. R18-2-306.A.4 and -317.02]

- A. Except for a physical change or change in the method of operation at a Class II source requiring a permit revision under A.A.C. R18-2-317.01, or a change subject to logging or notice requirements in Conditions XVII.B and XVII.C below, a change at a Class II

source shall not be subject to revision, notice, or logging requirements under this Section.

B. Except as otherwise provided in the conditions applicable to an emissions cap created under A.A.C. R18-2-306.02, the following changes may be made if the source keeps on site records of the changes according to Appendix 3 of the Arizona Administrative Code:

1. Implementing an alternative operating scenario, including raw materials changes;
2. Changing process equipment, operating procedures, or making any other physical change if the permit requires the change to be logged;
3. Engaging in any new insignificant activity listed in A.A.C. R18-2-101.57.a through A.A.C. R18-2-101.57.i but not listed in the permit;
4. Replacing an item of air pollution control equipment listed in the permit with an identical (same model, different serial number) item. The Director may require verification of efficiency of the new equipment by performance tests; and
5. A change that results in a decrease in actual emissions if the source wants to claim credit for the decrease in determining whether the source has a net emissions increase for any purpose. The logged information shall include a description of the change that will produce the decrease in actual emissions. A decrease that has not been logged is creditable only if the decrease is quantifiable, enforceable, and otherwise qualifies as a creditable decrease.

C. Except as provided in the conditions applicable to an emissions cap created under A.A.C. R18-2-306.02, the following changes may be made if the source provides written notice to the Department in advance of the change as provided below:

1. Replacing an item of air pollution control equipment listed in the permit with one that is not identical but that is substantially similar and has the same or better pollutant removal efficiency: 7 days. The Director may require verification of efficiency of the new equipment by performance tests;
2. A physical change or change in the method of operation that increases actual emissions more than 10% of the major source threshold for any conventional pollutant but does not require a permit revision: 7 days;
3. Replacing an item of air pollution control equipment listed in the permit with one that is not substantially similar but that has the same or better efficiency: 30 days. The Director may require verification of efficiency of the new equipment by performance tests;
4. A change that would trigger an applicable requirement that already exists in the permit: 30 days unless otherwise required by the applicable requirement;
5. A change that amounts to reconstruction of the source or an affected facility: 7 days. For the purposes of this subsection, reconstruction of a source or an affected facility shall be presumed if the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new source or affected facility and the changes to the components have occurred over the 12 consecutive months beginning with commencement of construction; and

6. A change that will result in the emissions of a new regulated air pollutant above an applicable regulatory threshold but that does not trigger a new applicable requirement for that source category: 30 days. For purposes of this requirement, an applicable regulatory threshold for a conventional air pollutant shall be 10% of the applicable major source threshold for that pollutant.
- D.** For each change under Condition XVII.C above, the written notice shall be by certified mail or hand delivery and shall be received by the Director the minimum amount of time in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided with less than required notice, but must be provided as far in advance of the change, or if advance notification is not practicable, as soon after the change as possible. The written notice shall include:
1. When the proposed change will occur;
 2. A description of the change;
 3. Any change in emissions of regulated air pollutants; and
 4. Any permit term or condition that is no longer applicable as a result of the change.
- E.** A source may implement any change in Condition XVII.C above without the required notice by applying for a minor permit revision under A.A.C. R18-2-319 and complying with subsection A.A.C. R18-2-319.D.2 and A.A.C. R18-2-319.G.
- F.** The permit shield described in A.A.C. R18-2-325 shall not apply to any change made under this Section, other than implementation of an alternate operating scenario under Condition XVII.B.1.
- G.** Notwithstanding any other part of this Section, the Director may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this Section over the term of the permit, constitutes a change under subsection A.A.C. R18-2-317.01.A.
- H.** If a source change is described under both Conditions XVII.B and XVII.C above, the source shall comply with Condition XVII.C above. If a source change is described under both Condition XVII.C above and A.A.C. R18-2-317.01.B, the source shall comply with A.A.C. R18-2-317.01.B.
- I.** A copy of all logs required under Condition XVII.B shall be filed with the Director within 30 days after each anniversary of the permit issuance date. If no changes were made at the source requiring logging, a statement to that effect shall be filed instead.
- J.** Logging Requirements
- [A.A.C. R18-2-306.A.4]
1. Each log entry required by a change under Condition XVII.B shall include at least the following information:
 - a. A description of the change, including:

- i. A description of any process change;
 - ii. A description of any equipment change, including both old and new equipment descriptions, model numbers, and serial numbers, or any other unique equipment ID number; and
 - iii. A description of any process material change.
 - b. The date and time that the change occurred.
 - c. The provision of A.A.C. R18-2-317.02.B that authorizes the change to be made with logging.
 - d. The date the entry was made and the first and last name of the person making the entry.
2. Logs shall be kept for 5 years from the date created. Logging shall be performed in indelible ink in a bound log book with sequentially number pages, or in any other form, including electronic format, approved by the Director.

XVIII. TESTING REQUIREMENTS

[A.A.C. R18-2-312]

A. The Permittee shall conduct performance tests as specified in the permit and at such other times as may be required by the Director.

B. Operational Conditions During Testing

Tests shall be conducted during operation at the maximum possible capacity of each unit under representative operational conditions unless other conditions are required by the applicable test method or in this permit. With prior written approval from the Director, testing may be performed at a lower rate. Operations during periods of start-up, shutdown, and malfunction (as defined in A.A.C. R18-2-101) shall not constitute representative operational conditions unless otherwise specified in the applicable standard.

C. Tests shall be conducted and data reduced in accordance with the test methods and procedures contained in the Arizona Testing Manual unless modified by the Director pursuant to A.A.C. R18-2-312.B.

D. Test Plan

At least 14 calendar days prior to performing a test, the Permittee shall submit a test plan to the Director in accordance with A.A.C. R18-2-312.B and the Arizona Testing Manual. This test plan must include the following:

1. Test duration;
2. Test location(s);
3. Test method(s); and
4. Source operation and other parameters that may affect test results.

E. Stack Sampling Facilities

The Permittee shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to the facility;
2. Safe sampling platform(s);
3. Safe access to sampling platform(s); and
4. Utilities for sampling and testing equipment.

F. Interpretation of Final Results

Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic mean of the results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs is required to be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the Permittee's control, compliance may, upon the Director's approval, be determined using the arithmetic mean of the results of the other two runs. If the Director or the Director's designee is present, tests may only be stopped with the Director's or such designee's approval. If the Director or the Director's designee is not present, tests may only be stopped for good cause. Good cause includes: forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the Permittee's control. Termination of any test without good cause after the first run is commenced shall constitute a failure of the test. Supporting documentation, which demonstrates good cause, must be submitted.

G. Report of Final Test Results

A written report of the results of all performance tests shall be submitted to the Director within 30 days after the test is performed. The report shall be submitted in accordance with the Arizona Testing Manual and A.A.C. R18-2-312.A.

XIX. PROPERTY RIGHTS

[A.A.C. R18-2-306.A.8.d]

This permit does not convey any property rights of any sort, or any exclusive privilege.

XX. SEVERABILITY CLAUSE

[A.A.C. R18-2-306.A.7]

The provisions of this permit are severable. In the event of a challenge to any portion of this permit, or if any portion of this permit is held invalid, the remaining permit conditions remain valid and in force.

XXI. PERMIT SHIELD

[A.A.C. R18-2-325]

Compliance with the conditions of this permit shall be deemed compliance with all applicable

requirements identified in the portions of this permit subtitled “Permit Shield”. The permit shield shall not apply to any minor revisions pursuant to Condition XVI.C of this Attachment and any facility changes without a permit revision pursuant to Section XVII of this Attachment.

XXII. PROTECTION OF STRATOSPHERIC OZONE

[40 CFR Part 82]

If this source becomes subject to the provisions of 40 CFR Part 82, then the Permittee shall comply with these provisions accordingly.

XXIII. APPLICABILITY OF NSPS/NESHAP GENERAL PROVISIONS

[40 CFR Part 60, Part 63]

For all equipment subject to a New Source Performance Standard or a National Emission Standard for Hazardous Air Pollutants, the Permittee shall comply with all applicable requirements contained in Subpart A of Title 40, Chapter 60 and Chapter 63 of the Code of Federal Regulations.

DRAFT

ATTACHMENT “B”: SPECIFIC CONDITIONS

Air Quality Control Permit No. 63722 For BHP Copper Inc. – Miami Unit

I. FACILITY WIDE REQUIREMENTS

A. Operating Limitations

1. The Permittee shall have on site or on call a person certified in EPA Reference Method 9 unless all Method 9 observations and instantaneous visual surveys required by this permit are conducted as Alternative Method-082 (Digital Camera Operating Technique). The Permittee shall certify the camera and the associated software in accordance with ALT-082 procedures. Any Method 9 observation or instantaneous visual survey required by this permit can be conducted as ALT-082. The results of a Method 9 observation or any instantaneous visual survey conducted as ALT-082 shall be obtained within 30 minutes of completing the Method 9 observation or instantaneous visual survey.

[A.A.C. R18-2-306.A.3.c]

2. The Permittee shall operate and maintain all equipment listed in Attachment “C” in accordance with vendor-supplied operations and maintenance instructions. If vendor-supplied operations and maintenance instructions are not available or not applicable, the Permittee shall prepare an Operations and Maintenance plan, which shall contain adequate information to properly operate and maintain the equipment.

[A.A.C. R18-2-306.A.2]

B. Recordkeeping and Reporting Requirements

1. The Permittee shall maintain on-site, records of the manufacturer's specifications for all equipment utilized at the facility.
2. The Permittee shall submit reports of all monitoring activities required in Attachment “B” along with the compliance certifications required by Section VII of Attachment “A”.

[A.A.C. R18-2-306.A.4]

[A.A.C. R18-2-306.A.5]

II. SOLVENT EXTRACTION/ELECTROWINNING PROCESS (SX/EW)

A. Emission Limitations/Standards

1. The Permittee shall not operate more than 60 electrowinning cells at any one time.
[A.A.C. R18-2-306.A.2 and -331.A.3.a]
[Material Permit Conditions are indicated by underline and italics]
2. The Permittee shall not operate the EW facility with more than 17 amps per square foot (A/ft²).
[A.A.C. R18-2-306.A.2 and -331.A.3.a]
[Material Permit Conditions are indicated by underline and italics]
3. The Permittee shall not cause or permit the emission of gaseous or odorous

materials from equipment and operations associated with the SX/EW process in such quantities or concentrations as to cause air pollution. [A.A.C. R18-2-730.D]

4. Materials including solvents or other volatile compounds, acids and alkalis utilized in the SX/EW process shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices or other equipment shall be mandatory. [A.A.C. R18-2-730.F]

5. Where a stack, vent or other outlet is at such a level that fumes, gas mist, odor, smoke, vapor or any combination thereof constituting air pollution is discharged to adjoining property, the Director may require the installation of abatement equipment or the alteration of such stack, vent or other outlet by the Permittee to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property. [A.A.C. R18-2-730.G]

B. Air Pollution Controls Requirements

1. In the solvent extraction plant, the Permittee shall use low vapor pressure solvents, or any other effective means of controlling emissions approved by the Director. [A.A.C. R18-2-306.A.2 and -331.A.3.e]
[Material Permit Conditions are indicated by underline and italics]

2. In the Electrowinning Tankhouse, the Permittee shall use any of the following methods to control sulfuric acid emissions: [A.A.C. R18-2-306.A.2 and -331.A.3.e]
[Material Permit Conditions are indicated by underline and italics]

- a. Foam;
- b. Blankets;
- c. Surfactants;
- d. Thermal retention balls;
- e. Any other effective means of controlling sulfuric acid emissions approved by the Director.

C. Monitoring, Reporting and Recordkeeping Requirements

1. On a daily basis, the Permittee shall keep records of the number of electrowinning cells in operation and the current density, to show compliance with Conditions II.A.1 and 2 above. [A.A.C. R18-2-306.A.3.c]

2. The Permittee shall maintain a record of the control measures used to limit emissions from the SX/EW process. [A.A.C. R18-2-306.A.3.c]

D. Permit Shield

Compliance with the conditions of this section shall be deemed compliance with A.A.C. R18-2-730.D, F and G. [A.A.C. R18-2-325]

III. BOILER

A. Fuel Limitation

The Permittee shall burn only natural gas in the boiler.

[A.A.C.R18-2-306.A.2]

B. Monitoring, Recordkeeping and Reporting Requirements

1. The Permittee shall maintain records of the amounts of fuel combusted during each day. [40 CFR §60.48c(g)]

2. All records required by Condition III.B.1 above shall be maintained by the Permittee for a period of two years following the date of such record. [40 CFR §60.48c(i)]

C. Permit Shield

Compliance with the conditions of this section shall be deemed compliance with the 40 CFR §60.48c(g) and (i). [A.A.C. R18-2-325]

IV. EMERGENCY INTERNAL COMBUSTION ENGINE (ICE) NOT SUBJECT TO NEW SOURCE PERFORMANCE STANDARDS

A. Applicability

This Section applies to emergency ICE, identified in Attachment “C” as not subject to NSPS.

B. Fuel Limitations

The Permittee shall burn only diesel fuel in the ICE.

[A.A.C.R18-2-306.A.2]

C. Particulate Matter & Opacity

1. Emission Limitations and Standards [A.A.C.R18-2-719.C.1]

a. Particulate Matter

(1) The Permittee shall not cause, allow or permit the emission of particulate matter, caused by combustion of fuel in excess of the amounts calculated by the following equation:

$$E = 1.02Q^{0.769}$$

Where:

E = the maximum allowable particulate emissions rate in pounds-mass per hour.

Q = the heat input in million BTU per hour.

(2) For the purpose of this Section, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The total heat input of all operating fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

(3) Opacity [A.A.C. R18-2-719.E]

(a) The Permittee shall not cause, allow or permit to be emitted into the atmosphere from any stationary rotating machinery, smoke for any period greater than 10 consecutive seconds which exceeds 40 percent opacity.

(b) Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.

b. Monitoring, Reporting, and Recordkeeping

[A.A.C. R18-2-306.A.3.c]

(1) The Permittee shall maintain a record of the daily lower heating value of the fuel fired in the ICE. This may be accomplished by maintaining on record a copy of that part of the contract with the vendor that specifies the lower heating value of the fuel.

(2) A certified EPA Reference Method 9 observer shall conduct a quarterly survey of visible emissions emanating from the ICE when in operation. If the opacity of the emissions observed appears to exceed the standard, the observer shall conduct a certified EPA Reference Method 9 observation. The Permittee shall keep records of the initial survey and any EPA Reference Method 9 observations performed. These records shall include the emission point observed, name of observer, date and time of observation, and the results of the observation.

(3) If the observation results in a Method 9 opacity reading in excess of 40 percent, the Permittee shall report this to ADEQ as excess emission and initiate appropriate corrective action to reduce the opacity below 40 percent. The Permittee shall keep a record of the corrective action performed.

D. Sulfur Dioxide

1. Emission Limitations and Standards

a. The Permittee shall not cause to emit more than 1.0 pound of sulfur dioxide per million Btu heat input when low sulfur oil is fired.

[A.A.C. R18-2-719.F]

b. The Permittee shall not fire high sulfur oil (greater than 0.9 percent

sulfur) in the ICEs.

[A.A.C. R18-2-719.H]

2. Monitoring, Reporting, and Recordkeeping

[A.A.C.R18-2-306.A.3.c]

The Permittee shall keep records of fuel supplier certification including the following information:

- a. The name of the diesel supplier;
- b. The sulfur content of diesel from which the shipment came; and
- c. The method used to determine the sulfur content of the diesel.

E. National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart ZZZZ Requirements

1. General Requirements

- a. The Permittee shall comply with the applicable emission limitations and operating limitations at all times.

[40 CFR 63.6605(a)]

- b. The Permittee shall operate and maintain at all times the reciprocating internal combustion engine (RICE) including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

[40 CFR 63.6605(b)]

- c. The Permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.

[40 CFR 63.6625(h)]

- d. The Permittee shall operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop a maintenance plan which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

[40 CFR 63.6625(e)]

2. Operating Requirements

- a. The Permittee shall operate the emergency stationary RICE according to the requirements in paragraphs IV.E.2.a.(2) and (3) of this section. If the engine is not operated according to the requirements in paragraphs IV.E.2.a.(2) and (3) of this Condition, the engine will not be considered an emergency engine and shall meet all requirements for non-emergency engines.

[40 CFR 60.6640 (f)]

- (1) There is no time limit on the use of emergency stationary RICE in emergency situations. [40 CFR 60.6640 (f)(1)]
- (2) The Permittee may operate the emergency stationary RICE for any combination of the purposes specified in Condition IV.E.2.a.(6) below for a maximum of 100 hours per calendar year. Any non-emergency situations as allowed by Condition IV.D.2.a.(6) below counts as part of the 100 hours per calendar year allowed by this condition. [40 CFR 63.6640(f)(2)]
- (3) The Permittee may operate the emergency RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. The Permittee may petition the Administrator and the Director for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the Permittee maintains records indicating that the Federal, State, or local standards require maintenance and testing beyond 100 hours per year. Copies of records shall be made available to ADEQ upon request. [40 CFR 63.6640 (f)(2)(i)]
- (4) The Permittee may operate the emergency stationary RICE for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. [40 CFR 63.6640 (f)(2)(ii)]
- (5) The Permittee may operate the emergency stationary RICE for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. [40 CFR 63.6640 (f)(2)(iii)]
- (6) The Permittee may operate emergency stationary RICE for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in Condition IV.E.2.a.(2) above. Except as provided in Conditions IV.E.2.a.(3) and (4) above, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR 63.6640(f)(4)]
 - (a) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial

arrangement with another entity if all of the following conditions are met.

- (i) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
- (ii) The dispatch follows reliability emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
- (iii) The power is provided only to the facility itself or to support the local transmission and distribution system.
- (iv) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[40 CFR 63.6640(f)(4)(ii)]

- b. *The Permittee shall install a non-resettable hour meter if one is not already installed.*

[40 CFR 63.6625(f) and A.A.C. R18-2-331.A.3.c]

[Material Permit Conditions are indicated by underline and italics]

- c. The Permittee shall change the oil and oil filter of the emergency stationary ICE every 500 hours of operation or annually, whichever comes first. If the Permittee prefers to extend the oil change requirement, an oil analysis program described below shall be completed;

Oil Analysis

The Permittee shall at a minimum analyze the following three parameters: Total Base Number, viscosity, and water content. The condemning limits for these parameters are as follows:

Total Base Number - changed less than 30 percent of Total Base Number of oil when new;

Viscosity - changed more than 20 percent from the viscosity of oil when new;

Water Content - changed more than 0.5 percent by volume.

If all of the above limits are not exceeded, the Permittee is not required

to change the oil. If any of the above limits are exceeded, the Permittee shall change the oil within 2 days of receiving the results of the analysis or before commencing operation, whichever is later. The analysis program shall be part of the maintenance plan for the operation of the engine.

[40 CFR 63.6603(a); Table 2d Item 4 of Subpart ZZZZ and 40 CFR 63.6625(i)]

d. Inspect the air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;

[40 CFR 63.6603(a); Table 2d Item 4 of Subpart ZZZZ]

e. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

[40 CFR 63.6603(a); Table 2d Item 4 of Subpart ZZZZ]

4. Recordkeeping Requirements

a. The Permittee shall keep records of the hours of operation of the RICE that is recorded through the non-resettable hour meter. Records shall include the date, start and stop times, hours spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in Conditions IV.E.2.a.(4) or (5) or (6)(a) above, the owner or operator must keep records of the notification of the emergency situation and the date, start time, and end time of the engine operation for these purposes.

[40 CFR 63.6655(f)]

b. The Permittee shall keep records of the parameters that are analyzed and the results of the oil analysis, if any, and the oil changes for the engine.

[40 CFR 63.6625(i)]

c. The Permittee shall keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the stationary RICE and after-treatment control device (if any) were operated and maintained in accordance with the Permittee's maintenance plan.

[40 CFR 63.6655(e)]

d. If the emergency stationary RICE does not meet the standards applicable to non-emergency engine, the Permittee shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The Permittee shall document how many hours are spent for emergency operation; including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engines are used for demand response operation, the Permittee shall keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response.

[40 CFR 63.6655(f)(2)]

e. The Permittee shall keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the stationary RICE and after-treatment control device (if any) were operated and maintained in accordance with the Permittee's maintenance plan.

[40 CFR 63.6655]

V. EMERGENCY INTERNAL COMBUSTION ENGINE (ICE) SUBJECT TO NEW SOURCE PERFORMANCE STANDARDS

A. Applicability

This Section applies to emergency ICE, identified in Attachment “C” as subject to NSPS.

B. Fuel Requirements

The Permittee must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for non-road diesel fuel.

[40 CFR 60.4207(b)]

C. Operating Requirements

1. *The Permittee shall install a non-resettable hour meter prior to startup of the engine.*

[40 CFR 60.4211(f), A.A.C. R18-2-306.A.3, and -331.A.3.c]
[Material Permit Conditions are indicated by underline and italics]

2. The Permittee must operate the emergency stationary ICE according to the requirements in Conditions V.C.2.a through V.C.2.c below. In order for the engine to be considered an emergency stationary ICE under, any operation other than emergency operation, maintenance response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs V.C.2.a through c of this section, is prohibited.

[40 CFR 60.4211(f)]

- a. There is no time limit on the use of emergency stationary ICE in emergency situations.

[40 CFR 60.4211(f)(1)]

- b. The Permittee may operate the emergency stationary ICE for any combination of the purposes specified in paragraphs V.C.2.b(1) through (3) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph V.C.2.c of this section counts as part of the 100 hours per calendar year allowed by this paragraph V.C.2.b.

[40 CFR 60.4211(f)(2)]

- (1) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state, or local government, the manufacturer, the vendor, the regional transmission operator, or the insurance company associated with the engine. The Permittee may petition the Administrator or Director for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond the 100 hours per year.

(2) Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see 40 CFR 60.17), or other authorized entity as determined by the Reliability Coordinator has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. [40 CFR 60.4211(f)(2)(ii)]

(3) Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequent of 5 percent or greater below standard voltage or frequency. [40 CFR 60.4211(f)(2)(iii)]

c. The Permittee may operate the emergency stationary ICE for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph V.C.2.b. Except as provided in V.C.2.c.(1), the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity. [40 CFR 60.4211(f)(3)]

(1) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(a) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

(b) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(c) The dispatch follows reliability emergency operation or similar protocols that follow specific NERC regional, state, public utility commission, or local standards or guidelines.

(d) The power is provided only to the facility or to support the local transmission and distribution system.

(e) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may

keep these records on behalf of the engine owner or operator.

[40 CFR 60.4211(f)(3)(i)]

3. *Operation of the CI ICE other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, is prohibited.*

[40 CF 60.4211(f) and A.A.C. R18-2-331.A.3.a]

[Material permit conditions are indicated by underline and italics]

D. Emission Limitations and Standards

[40 CFR 60.4205 (a) through -(e)]

The Permittee operating 2007 and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new non-road CI engines in 40 CFR 60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

[40 CFR 60.4205(b)]

E. Compliance Requirements

1. The Permittee operating a 2007 model year and later stationary CI ICE or a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in Table 3 of 40 CFR Part 60, Subpart IIII, shall comply by purchasing an engine certified to the emission standards in §60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications, except as permitted in Condition V.E.2.

[40 CFR 60.4211 (c)]

2. If the Permittee does not install, configure, operate, and maintain the CI ICE and control device according to the manufacturer's emission-related written instructions, or change the emission-related setting in a way that is not permitted by the manufacturer, the Permittee shall demonstrate compliance as following:

[40 CFR 60.4211(g)]

- a. The Permittee shall keep a maintenance plan and records of conducted maintenance to demonstrate compliance and shall, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, the Permittee shall conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after changing any non-permitted emission-related setting.

3. The Permittee, for the emergency ICE subject to NSPS Subpart IIII shall comply with the requirements of NESHAP Subpart ZZZZ by meeting the requirements of NSPS Subpart IIII.

[40 CFR 63.6590(c)]

F. Notification Requirements

[40 CFR 60.4214(b)]

There is no requirement for submission of initial notification for emergency stationary

ICEs.

G. Recordkeeping Requirements

1. Starting with model years in Table 5 of 40 CFR Subpart IIII, the Permittee operating an emergency ICE that does not meet the standards applicable to non-emergency engines in the applicable model year, shall keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter.
2. The Permittee shall record the time of operation of the engine and the reason the engine was in operation during that time. [40 CFR 60.4214(b)]
3. The Permittee operating an emergency stationary CI ICE with a maximum engine power more than 100 HP that operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in V.C.2, you must submit an annual report according to the requirements in paragraphs V.G.3.a through c of this section. [40 CFR 60.4214 (d)]
 - a. The report must contain the following information.
 - (1) Company name and address where the engine is located.
 - (2) Date of the report and beginning and ending dates of the reporting period.
 - (3) Engine site rating and model year.
 - (4) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.
 - (5) Hours operated for the purposes specified in V.C.2.b.(2) and (3) including the date, start time, and end time for engine operation for the purposes specified in V.C.2.b.(2) and (3).
 - (6) Number of hours the engine is contractually obligated to be available for the purposes specified in V.C.2.b.(2) and (3).
 - (7) Hours spent for operation for the purposes specified in V.C.2.c, including the date, start time, and end time for engine operation for the purposes specified in V.C.2.c. The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.
 - b. The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.
 - c. The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data

Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in 40 CFR 60.4.

VI. FUGITIVE DUST REQUIREMENTS

A. Applicability

This Section applies to any source of fugitive dust in the facility.

B. Particulate Matter and Opacity

Open Areas, Roadways & Streets, Storage Piles, and Material Handling

1. Emission Limitations/Standards

- a. Opacity of emissions from any fugitive dust non-point source shall not be greater than 40 percent measured in accordance with the Arizona Testing Manual, Reference Method 9.

[A.A.C. R18-2-614]

- b. The Permittee shall not cause, allow or permit visible emissions from any fugitive dust point source, in excess of 20 percent opacity.

[A.A.C. R18-2-702.B]

- c. The Permittee shall employ the following reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne:

- (1) Keep dust and other types of air contaminants to a minimum in an open area where construction operations, repair operations, demolition activities, clearing operations, leveling operations, or any earth moving or excavating activities are taking place, by good modern practices such as using an approved dust suppressant or adhesive soil stabilizer, paving, covering, landscaping, continuous wetting, detouring, barring access, or other acceptable means;

[A.A.C. R18-2-604.A]

- (2) Keep dust to a minimum from driveways, parking areas, and vacant lots where motor vehicular activity occurs by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means;

[A.A.C. R18-2-604.B]

- (3) Keep dust and other particulates to a minimum by employing dust suppressants, temporary paving, detouring, wetting down or by other reasonable means when a roadway is repaired, constructed, or reconstructed;

[A.A.C. R18-2-605.A]

- (4) Take reasonable precautions, such as wetting, applying dust suppressants, or covering the load when transporting material

likely to give rise to airborne dust;

[A.A.C. R18-2-605.B]

- (5) Take reasonable precautions, such as the use of spray bars, wetting agents, dust suppressants, covering the load, and hoods when crushing, handling, or conveying material likely to give rise to airborne dust;

[A.A.C. R18-2-606]

- (6) Take reasonable precautions such as chemical stabilization, wetting, or covering when organic or inorganic dust producing material is being stacked, piled, or otherwise stored;

[A.A.C. R18-2-607.A]

- (7) Operate stacking and reclaiming machinery utilized at storage piles at all times with a minimum fall of material, or with the use of spray bars and wetting agents;

[A.A.C. R18-2-607.B]

- (8) Any other method as proposed by the Permittee and approved by the Director.

[A.A.C. R18-2-306.A.3.c]

- (9) Operate or otherwise own mineral tailings piles by taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as are approved by the Director.

[A.A.C. R18-2-608]

2. Air Pollution Control Requirements

Haul Roads and Storage Piles

Water, or an equivalent control, shall be used to control visible emissions from haul roads and storage piles.

[A.A.C. R18-2-306.A.2 and -331.A.3.d]

[Material Permit Condition is indicated by underline and italics]

3. Monitoring and Recordkeeping Requirements

- a. The Permittee shall maintain records of the dates on which any of the activities listed in Conditions VI.B.1.c.(1) through VI.B.1.c.(9) above were performed and the control measures that were adopted.

[A.A.C. R18-2-306.A.3.c]

b. Opacity Monitoring Requirements

- (1) A certified Method 9 observer shall conduct a monthly visual survey of visible emissions from the fugitive dust sources. The Permittee shall keep a record of the name of the observer, the date and location on which the observation was made, and the results of the observation.

- (2) If the observer sees a visible emission from a fugitive dust source that on an instantaneous basis appears to exceed applicable opacity standard, then the observer shall, if practicable, take a six-minute Method 9 observation of the visible emission.
 - (a) If the six-minute opacity of the visible emission is less than or equal to applicable opacity standard, the observer shall make a record of the following:
 - (i) Location, date, and time of the observation; and
 - (ii) The results of the Method 9 observation.
 - (b) If the six-minute opacity of the visible emission exceeds applicable opacity standard, then the Permittee shall do the following:
 - (i) Adjust or repair the controls or equipment to reduce opacity to below the applicable standard; and
 - (ii) Report it as an excess emission under Section XII.A of Attachment "A".

[A.A.C. R18-2-306.A.3.c]

4. Permit Shield

Compliance with the conditions of this Section shall be deemed compliance with A.A.C. R18-2-604.A, A.A.C. R18-2-604.B, A.A.C. R18-2-605, A.A.C. R18-2-606, A.A.C. R18-2-607 and A.A.C. R18-2-608.

VII. MOBILE SOURCE REQUIREMENTS

A. Applicability

The requirements of this Section are applicable to mobile sources which either move while emitting air contaminants or are frequently moved during the course of their utilization but are not classified as motor vehicles, agricultural vehicles, or agricultural equipment used in normal farm operations. Mobile sources shall not include portable sources as defined in A.A.C. R18-2-101.108.

[A.A.C. R18-2-801.A]

B. Particulate Matter and Opacity

1. Emission Limitations/Standards

a. Off-Road Machinery

The Permittee shall not cause, allow, or permit to be emitted into the atmosphere from any off-road machinery, smoke for any period greater than ten consecutive seconds, the opacity of which exceeds 40 percent. Visible emissions when starting cold equipment shall be exempt from this requirement for the first ten minutes. Off-road machinery shall

include trucks, graders, scrapers, rollers, and other construction and mining machinery not normally driven on a completed public roadway.

[A.A.C. R18-2-802.A and -802.B]

b. Roadway and Site Cleaning Machinery

(1) The Permittee shall not cause, allow or permit to be emitted into the atmosphere from any roadway and site cleaning machinery smoke or dust for any period greater than ten consecutive seconds, the opacity of which exceeds 40 percent. Visible emissions when starting cold equipment shall be exempt from this requirement for the first ten minutes.

[A.A.C. R18-2-804.A]

(2) The Permittee shall take reasonable precautions, such as the use of dust suppressants, before the cleaning of a site, roadway, or alley. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means.

[A.A.C. R18-2-804.B]

c. Unless otherwise specified, no mobile source shall emit smoke or dust the opacity of which exceeds 40 percent.

[A.A.C. R18-2-801.B]

2. Recordkeeping Requirement

The Permittee shall keep a record of all emissions related maintenance activities performed on the Permittee's mobile sources stationed at the facility as per manufacturer's specifications.

[A.A.C. R18-2-306.A.5.a]

3. Permit Shield

Compliance with this Section shall be deemed compliance with A.A.C. R18-2-801, A.A.C. R18-2-802, and A.A.C. R18-2-804.

[A.A.C. R18-2-325]

VIII. OTHER PERIODIC ACTIVITIES

A. Abrasive Blasting

1. Particulate Matter and Opacity

a. Emission Limitations/Standards

The Permittee shall not cause or allow sandblasting or other abrasive blasting without minimizing dust emissions to the atmosphere through the use of good modern practices. Good modern practices include:

- (1) wet blasting;
- (2) effective enclosures with necessary dust collecting equipment; or

(3) any other method approved by the Director.

[A.A.C. R18-2-726]

b. Opacity

The Permittee shall not cause, allow or permit visible emissions from sandblasting or other abrasive blasting operations in excess of 20 percent opacity, as measured by EPA Reference Method 9.

[A.A.C. R18-2-702.B]

2. Monitoring and Recordkeeping Requirement

Each time an abrasive blasting project is conducted, the Permittee shall make a record of the following:

- a. The date the project was conducted;
- b. The duration of the project; and
- c. Type of control measures employed.

[A.A.C. R18-2-306.A.3.c]

3. Permit Shield

Compliance with this Part shall be deemed compliance with A.A.C. R18-2-726 and A.A.C. R18-2-702.B.

[A.A.C.R18-2-325]

B. Use of Paints

1. Volatile Organic Compounds

a. Emission Limitations/Standards

While performing spray painting operations, the Permittee shall comply with the following requirements:

- (1) The Permittee shall not conduct or cause to be conducted any spray painting operation without minimizing organic solvent emissions. Such operations, other than architectural coating and spot painting, shall be conducted in an enclosed area equipped with controls containing no less than 96 percent of the overspray.

[A.A.C.R18-2-727.A]

- (2) The Permittee or their designated contractor shall not either:

- (a) Employ, apply, evaporate, or dry any architectural coating containing photochemically reactive solvents for industrial or commercial purposes; or
- (b) Thin or dilute any architectural coating with a photochemically reactive solvent.

[A.A.C.R18-2-727.B]

- (3) For the purposes of Condition VIII.B.1.a.(2), a photochemically reactive solvent shall be any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified in Conditions VIII.B.1.a.(3)(a) through VIII.B.1.a.(3)(c) below, or which exceeds any of the following percentage composition limitations, referred to the total volume of solvent:
- (a) A combination of the following types of compounds having an olefinic or cyclo-olefinic type of unsaturation-hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones: 5 percent.
 - (b) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent.
 - (c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.
[A.A.C.R18-2-727.C]
- (4) Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the groups of organic compounds described in Conditions VIII.B.1.a.(3)(a) through VIII.B.1.a.(3)(c) above, it shall be considered to be a member of the group having the least allowable percent of the total volume of solvents.
[A.A.C.R18-2-727.D]

b. Monitoring and Recordkeeping Requirements

- (1) Each time a spray painting project is conducted, the Permittee shall make a record of the following:
- (a) The date the project was conducted;
 - (b) The duration of the project;
 - (c) Type of control measures employed;
 - (d) Material Safety Data Sheets for all paints and solvents used in the project; and
 - (e) The amount of paint consumed during the project.
- (2) Architectural coating and spot painting projects shall be exempt from the recordkeeping requirements of Condition VIII.B.1.b(1) above.
[A.A.C. R18-2-306.A.3.c]

c. Permit Shield

Compliance with this Part shall be deemed compliance with A.A.C.R18-

2. Opacity

a. Emission Limitation/Standard

The Permittee shall not cause, allow or permit visible emissions from painting operations in excess of 20 percent opacity, as measured by EPA Reference Method 9.

[A.A.C. R18-2-702.B]

b. Permit Shield

Compliance with the conditions of this Part shall be deemed compliance with A.A.C.R18-2-702.B.

[A.A.C. R18-2-325]

C. Demolition/Renovation - Hazardous Air Pollutants

1. Emission Limitation/Standard

The Permittee shall comply with all of the requirements of 40 CFR 61 Subpart M (National Emissions Standards for Hazardous Air Pollutants - Asbestos).

[A.A.C. R18-2-1101.A.8]

2. Monitoring and Recordkeeping Requirement

The Permittee shall keep all required records in a file. The required records shall include the “NESHAP Notification for Renovation and Demolition Activities” form and all supporting documents.

[A.A.C. R18-2-306.A.3.c]

3. Permit Shield

Compliance with the conditions of this Part shall be deemed compliance with A.A.C. R18-2-1101.A.8.

[A.A.C. R18-2-325]

ATTACHMENT “C”: EQUIPMENT LIST

**Air Quality Control Permit No. 63722
For
BHP Copper Inc. – Miami Unit**

EQUIPMENT TYPE	MAX. CAPACITY	MAKE	MODEL	SERIAL NUMBER	DATE OF MFG.
Boiler	10,461 MMBtu/hr	Cleaver Brooks	CB700-250	L89826	8/1991
Solvent Extraction Circuit	24,588 square feet	N/A	N/A	N/A	1976/1989 *
Electrowinning Circuit	105 cells, Total 3,161 ft ²	Holmes & Narver	N/A	N/A	1976/1989 *
Emergency ICE (Not Subject to NSPS)	73.5 hp	Deutz	F4L 912	9050904	1990
Emergency ICE (Subject to NSPS)	375 hp	Caterpillar	300	CAT000C0TN GP00137	2014

* The original SX/EW facility was installed in 1976, with two trains of solvent extraction and a 60-cell tank house. In 1989, an additional 45 cells were added and the SX trains were modified to handle the additional flow.